

# PROPERTY PRACTICE QUESTIONS

## ANSWER 2

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**Caveat:** The outline of the answer below provides guidance regarding the main issues which you should address in your answer. The answer is *not* designed to be a model answer.

### **John v. Gilbert**

- **Type of property - Abandoned**
  - True owner voluntarily relinquished possession of the lottery ticket by putting it in the dumpster
- **General rule - Finder has a right superior to everyone except the true owner**
  - **Exception - abandoned property**
    - Property abandoned by the true owner belongs to the finder
- John prevails over Gilbert

### **Historical Note:**

This essay is based on a true story that took place in October of 2005. In real life, the finder settled with the alleged true owner for \$140,000. He did so because he wanted to be able to enjoy some of the money in his life-time.